

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 538

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

REQUIRING THE REGULATION AND LICENSING DEPARTMENT AND THE
LEGISLATIVE FINANCE COMMITTEE TO REVIEW AND EVALUATE THE
LICENSURE OF RESIDENTIAL CARE ADMINISTRATORS IN ACCORDANCE WITH
THE SUNRISE ACT; MAKING AN APPROPRIATION; DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. TEMPORARY PROVISION--FINDINGS AND PURPOSE. --

A. The legislature finds that the unregulated
practice of residential care administrators has resulted in
many instances of actual harm to residents of residential care
facilities.

B. The legislature further finds that the existing
rules governing the operation of approximately four hundred
residential care facilities in New Mexico do not adequately

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1 address the qualifications and practice of the administrators
2 of these facilities and that there are currently no mechanisms
3 to report or discipline individual administrators for
4 inappropriate or unethical practice.

5 C. The legislature further finds that the public
6 should reasonably expect professional competence from the
7 administrators of residential care facilities.

8 D. The legislature further finds that residential
9 care administrators may be distinguished as a profession and
10 must demonstrate relevant knowledge, skills and abilities prior
11 to providing care to residents.

12 E. The purpose of this act is to:

13 (1) require the department to review and
14 evaluate the proposed licensure of residential care
15 administrators and provide a report to the legislative finance
16 committee; and

17 (2) develop proposed legislation to create a
18 new board, if recommended by the legislative finance committee,
19 to license residential care administrators pursuant to the
20 Sunrise Act.

21 F. The department shall review and evaluate the
22 proposed licensure of residential care administrators in
23 accordance with the Sunrise Act and submit a findings and
24 recommendations report to the legislative finance committee by
25 September 1, 2003 for the committee's consideration and

1 recommendation.

2 G. If approved by the legislative finance
3 committee, the department shall proceed with the development of
4 proposed legislation to create a new licensing board and
5 implement the licensure of residential care administrators by
6 July 1, 2004.

7 H. As used in this section:

8 (1) "department" means the regulation and
9 licensing department; and

10 (2) "residential care facility" means a
11 congregate residence, maternity shelter or other facility for
12 adults whose primary purpose is to provide to the residents
13 within the facility, either directly or through contract
14 services in accordance with the program narrative, program
15 services, room, board, assistance with the activities of daily
16 living or general supervision to two or more adults who have
17 difficulty living independently or managing their own affairs.

18 Section 2. APPROPRIATION.-- Fifty thousand dollars
19 (\$50,000) is appropriated from the general fund to the
20 regulation and licensing department for expenditure in fiscal
21 years 2003 and 2004 to study the duties and responsibilities of
22 administrators of residential care facilities, review and
23 evaluate the proposed creation of a new board to license
24 residential care administrators and develop proposed
25 legislation and rules to create a new licensing board to govern

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1 the licensure of residential care administrators. Any
2 unexpended or unencumbered balance remaining at the end of
3 fiscal year 2004 shall revert to the general fund.

4 Section 3. EMERGENCY.--It is necessary for the public
5 peace, health and safety that this act take effect immediately.